IN THE HIGH COURT OF JUDICATURE OF BOMBAY

IN INSOLVENCY JURISDICTION

INSOLVENCY PETITION NO.70 OF 2006

Re: Rahil Ahmed Siddique. ..Debtor.

Ex-parte

Shabbir Waghu. ..Petg.Creditor.

Mr.Ramesh Jain for Petitioning creditor.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 20, 2007.

P.C. :

1. The present Petition is founded on the Decree passed by the Court against Debtor on 14th December, 2005 in Summary Suit No.2698 of 2005. As the Debtor failed to pay the amount, Petitioning Creditor took out Notice No.N/35 of 2006 on 16th February, 2006, which was duly served on the Debtor on 26th May, 200.6. Inspite of service, Debtor failed to pay the decreetal amount. In that sense, act of insolvency was completed on 1st July, 2006.

2. As the Debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor have had no option but to take out the present action, which has been filed on 13th July, 2006. The Debtor has been duly served with

substituted notice in the present action, as per the liberty given to the petitioning creditor to effect service by substituted mode. Inspite of such service, none appears for the Debtor. No reply has been filed. As no explanation has been offered on behalf of the Debtor, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

(A.M.KHANWILKAR,J)